

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**AGUSTIN RODRIGUEZ-VALENCIA,**

**Defendant.**

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**) Case No. 05-3148-01-CR-S-RED**

**ORDER**

Now before the Court is Defendant's Motion to Dismiss (Doc. 152), Government's Suggestions in Opposition to Defendant's Motion to Dismiss (Doc. 155), Defendant's Reply to Government's Suggestions in Opposition to Defendant's Motion to Dismiss (Doc. 156), the Report and Recommendation of United States Magistrate Judge (Doc. 158), and Defendant's Objections to Report and Recommendation of the United States Magistrate Judge (Doc. 159).

In Defendant's objections to the Report and Recommendation he argues that the Report and Recommendation of the United States Magistrate Judge violates Defendant's Sixth Amendment Right to a Speedy Trial because (1) the presumptively prejudicial delay in this case resulted from the Government's negligent failure to submit an INTERPOL Red Notice during the six years following the filing of the Indictment despite the fact that the Government had reliable information that Defendant was traveling in INTERPOL-member countries; (2) Defendant never waived his Sixth Amendment Constitutional Right to a Speedy Trial; and (3) prejudice may be presumed in this case because of the length of delay. However, after careful and independent review of the parties' submissions, this Court agrees with and **ADOPTS** the Report and Recommendation of United States Magistrate Judge (Doc. 158) in full. Defendant's Motion to

Suppress is **DENIED** (Doc. 152). Defendant's Objections to the Report and Recommendation are **OVERRULED** (Doc. 159).

**IT IS SO ORDERED.**

DATED: February 11, 2013

/s/ Richard E. Dorr

RICHARD E. DORR, JUDGE  
UNITED STATES DISTRICT COURT